

# United States District Court

State and

DISTRICT OF

New Mexico

**FILED**

UNITED STATES OF AMERICA **UNITED STATES DISTRICT COURT**  
 V. **ALBUQUERQUE, NEW MEXICO**

**CRIMINAL COMPLAINT**

CASE NUMBER:

GAVIN YEPA

Year of Birth: 1985

JAN 08 2012

**MATTHEW J. DYKMAN**  
 CLERK

12 mj 18

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 28, 2011 in Sandoval county, in the state and                      District of New Mexico defendant(s)

an adult enrolled member of the Jemez Tribe, sexually assaulted Lynette Becenti, an adult enrolled member of the Navajo Tribe, by penetrating, and that the incident occurred within the exterior boundaries of the Jemez Pueblo.

in violation of Title 18 United States Code, Section(s) 1153, 2242(2)(B), 2245, and 2246(2)(C)

I further state that I am a Special Agent, FBI and that this complaint is based on the following

Official Title

facts: See attached Affidavit.

Continued on the attached sheet and made a part hereof:

☒ YES☐ No

Sworn to before me and subscribed in my presence,

*B.B. Bourgeois*

Signature of Complainant

Benedict B. Bourgeois,  
 Special Agent,  
 Federal Bureau of Investigation

December 30, 2011

Date

at

Albuquerque, New Mexico

City and State

Karen B. Mozen

Chief U.S. Magistrate Judge

Name &amp; Title of Judicial Officer

*Karen B. Mozen*

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA       )  
  )  
                                  VS.       )  
  )  
GAVIN YEPA                               )  
Year of Birth: 1985                    )

AFFIDAVIT

I, the undersigned, being duly sworn, hereby depose  
and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of  
Investigation (FBI). I have been employed in that capacity for  
over fifteen years. I am currently assigned to the Albuquerque  
Division and have primary investigative responsibilities in  
violent and other major crimes and federal violations. The  
information set forth in this affidavit has been derived from my  
own investigation or communicated to me by other sworn law  
enforcement officers or from other reliable sources.

2. On December 29, 2011, the Federal Bureau of  
Investigation and Jemez Pueblo Police Department (JPD) initiated  
an investigation regarding the death of Lynette Becenti, year of  
birth (YOB) 1973. The death was reported by Gavin Yepa, YOB  
1985. Becenti is an enrolled member of the Navajo Indian Tribe  
and Yepa is an enrolled member of the Jemez Indian Tribe. The  
death occurred at Yepa's residence, which is located within the  
exterior boundaries of the Jemez Pueblo.

1 3. Jemez Pueblo Tribal Officials reported that at  
2 approximately 11:50 PM, they were conducting routine patrols in  
3 the pueblo. Near the intersection of Highway 4 and Southern  
4 Street, they were flagged down by Gavin Yepa, who told them that  
5 there was a woman in his house who was not breathing. Yepa also  
6 told Tribal Officials that he had brought the woman from San  
7 Ysidro, NM to his house, hoping to have sex with her. Tribal  
8 Officials noted that Yepa did not have shoes on and was very  
9 disheveled. Yepa also appeared to be intoxicated.

10  
11 4. Yepa escorted the Tribal Officials into his house,  
12 then sat on the sofa. The Tribal Officials observed a large  
13 amount of blood on the floor, extending from the master bedroom,  
14 across the living room, and into another bedroom, where the body  
15 of a woman was located. The woman was nude, except for a bra  
16 which was partially removed, exposing her breasts. The woman  
17 also had blood smears covering her entire body. Tribal  
18 Officials then notified JPD, who in turn notified the FBI.

19  
20 5. At approximately 3:00 AM, your affiant and members of  
21 the FBI Albuquerque Division Evidence Response Team arrived at  
22 Yepa's residence. Yepa was located in the back seat of a JPD  
23 patrol truck and consented to a search of his residence and  
24 collection of his body standards. Stains that appeared to be  
25 blood were apparent on Yepa's clothing and hands.

26  
27 6. Based on Yepa's consent to search, agents entered the  
28 residence and took preliminary photographs of the interior.

1 Agents also confirmed the presence and condition of the victim's  
2 body as described by the Tribal Officials. Thereafter your  
3 affiant decided sought search warrants for the residence and  
4 Yepa's body standards. At approximately 4:30 AM, Chief United  
5 States Magistrate Judge was telephonically briefed about the  
6 circumstances and issued verbal search warrants for the  
7 residence and Yepa's body.

8  
9 7. Yepa was examined and photographed at JPD offices.  
10 Numerous scratches and abrasions were noted on his arms, torso,  
11 and legs. None of those injuries appeared to be bleeding. Yepa  
12 also had what appeared to be blood on his hands and feet, and  
13 particularly imbedded around his finger and toe nails. Yepa was  
14 not wearing shoes and his socks and lower pants legs were  
15 stained with what appeared to be blood. Yepa's shirt was turned  
16 inside out and there was a tear on the right shoulder of the  
17 shirt. Yepa's clothing, swabs from his hands and feet, a buccal  
18 swab from the mouth, and a blood sample were retained as  
19 evidence.

20  
21 8. At the Yepa's residence a significant amount of blood  
22 pooling and spatter was observed on the carpeted floor and a  
23 wall near a closet. There were also heavy blood stains across  
24 the carpeted living room floor, leading to a hallway and another  
25 bedroom where more blood pooling and spatter was observed. In  
26 the living room, a half liter size plastic water bottle, with  
27 what appeared to be blood on the outside and containing dirty  
28 water was located on a sofa. A plastic 750 milliliter vodka

1 bottle, with what appeared to be blood on the outside was  
2 located in a trash can in the kitchen.

3  
4 9. Becenti's body was located in the second bedroom,  
5 laying in a contorted position, against a wall, near the bedroom  
6 door. Becenti was nude except for a bra that had been partially  
7 removed. Her hair was saturated and her body was smeared from  
8 head to toe with blood. There were no apparent injuries or  
9 defects on Becenti's body that could explain the amount of blood  
10 throughout the house. Additional investigation revealed that  
11 Becenti had been bleeding from the vagina and/or anus.

12  
13 10. A shovel was located next to Becenti's body.  
14 Approximately fifteen inches of the shovel handle was stained  
15 and coated with what appeared to blood, indicating that the  
16 shovel handle may have been used to penetrate Becenti's anus or  
17 vagina and cause internal injuries and bleeding.

18  
19 11. The morning of December 29, 2011, Yepa's friend Calvin  
20 Calabaza was interviewed. Calabaza stated that the night of  
21 December 28, 2011 between 7:00 - 8:00 PM, he and his girlfriend  
22 Luana Toledo encountered Yepa in Jemez. Yepa asked them for a  
23 ride to a store in San Ysidro, about eight miles away. Shortly  
24 after picking up Yepa, they saw a woman walking along the road.  
25 Toledo offered the woman a ride as far as San Ysidro. The woman  
26 was drinking a large can of a highly alcoholic drink called Four  
27 Loco and identified herself as Becenti. Becenti was seated in  
28 the back seat with Yepa and said that she had gotten into a

1 fight with her husband earlier in the evening. Calabaza could  
2 overhear Yepa talking to Becenti. Yepa was telling Becenti that  
3 she should go home with him because he would treat her better  
4 than her husband did. When they arrived at the store, Yepa  
5 bought a bottle of vodka and Becenti decided to return to San  
6 Ysidro. Around 10:00 PM, Calabaza and Toledo dropped Becenti  
7 and Yepa off at Yepa's house. There was no one else at Yepa's  
8 house.

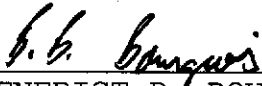
9  
10 12. At about 10:20 PM on December 29, 2011, Rodney Adams  
11 was interviewed by a JPD officer. Adams said that he went to  
12 Yepa's house, late the night of December 28, 2011. Adams saw  
13 Yepa inserting the handle of a shovel into Becenti's anus or  
14 vagina. Becenti was laying on the bedroom floor groaning, and  
15 appeared to be heavily intoxicated and unable to resist Yepa.  
16 Adams also saw Yepa insert a water bottle into Becenti's vagina.  
17 Yepa then withdrew the bottle and drank from it. The liquid in  
18 the bottle appeared to be water, but looked like it had blood in  
19 it. As the assault continued, Adams rummaged through Becenti's  
20 backpack and stole her cellular telephone. Adams departed a few  
21 minutes later, believing that Becenti was still alive. Later  
22 that night, Adams led JPD officers to where he had disposed of  
23 the cellular phone.

24  
25 13. On December 30, 2011 an autopsy was conducted on  
26 Becenti. Preliminary findings were that Becenti died due to  
27 excessive internal hemorrhaging, caused by approximately fifteen  
28 inches of vaginal penetration. The penetration extended from


1 the opening of the vagina to the diaphragm and was consistent  
2 with stains and smears on the aforementioned shovel. The  
3 autopsy also confirmed trauma to the anus and rectum.

4  
5 14. Based on the information set forth in this affidavit,  
6 your affiant submits that there is probable cause to believe  
7 that the night of December 28, 2011, Gavin Yepa, an adult male  
8 and an enrolled member of the Jemez Indian Tribe, did sexually  
9 assault Lynette Becenti, an adult female and an enrolled of the  
10 Navajo Indian Tribe, by penetrating her vagina and/or anus with  
11 the handle of a shovel, and possibly other objects, causing  
12 excessive internal hemorrhaging and organ damage, resulting in  
13 Becenti's death, and that the assault occurred in the state and  
14 district of New Mexico and within Indian Country, in violation  
15 of Title 18, United States Code, Sections 1153, 2242(2)(B),  
16 2245, and 2246(2)(C).

17  
18 I swear that this information is true and correct to  
19 be best of my knowledge.

20   
21 BENEDICT B. BOURGEOIS,  
22 Special Agent,  
Federal Bureau of Investigation

23 Subscribed to and sworn to  
24 before me, this 30<sup>th</sup> of December 2011

25   
26 KAREN B. MOZEN,  
27 CHIEF UNITED STATES MAGISTRATE JUDGE,  
Albuquerque, NM

28 Reviewed and approved by SAUSA Glynette Carson-McNabb